Appl. No.: 09/693,060
Amdt. dated 02/28/2005
Reply to Office action of 08/13/2004

The Amended Claims:

1.   (Currently Amended)   A method for dynamic control of data transfer by a
subscriber during an on-going network session, comprising:

        receiving a data packet at a gateway device;

        identifying, at the gateway device, a subscriber associated with the data packet;

        retrieving from memory a subscriber profile that includes subscriber-selected
bandwidth;

        determining if a transfer rate for data packet transmission should be adjusted
based on the subscriber-selected bandwidth; and

        adjusting the transfer rate for data packet transmission based on the outcome of
the determination process,

        wherein the transfer rate for data packet transmission may be adjusted at any time
during the on-going network session based on adjustment of the subscriber-selected bandwidth
during the on-going network session.

2.   (Previously Cancelled)

3.   (Previously Amended)   The method of Claim 1, wherein the step of
identifying, at the gateway device, a subscriber associated with the data packet further comprises
identifying, at the gateway device, the a subscriber associated with the data packet by the media
access control (MAC) address within the data packet.

4.   (Previously Cancelled)

5.   (Previously Cancelled)

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6.   (Previously Amended)   The method of Claim 1, wherein the step of
retrieving from memory a subscriber profile that includes subscriber-selected bandwidth a
further comprises retrieving from an Authentication, Authorization and Accounting (AAA)
subscriber management interface a subscriber profile that includes subscriber-selected
bandwidth.

7.   (Previously Amended)   The method of Claim 1, wherein the step of
retrieving from memory a subscriber profile that includes subscriber-selected bandwidth further
comprises retrieving from memory a subscriber profile that includes a first subscriber-selected
bandwidth for information being sent to a network and a second subscriber-selected bandwidth
for information being retrieved from a network.

8.   (Previously Amended)   The method of Claim 1, wherein the step of
determining if a transfer rate for data packet transmission should be adjusted based on the
subscriber-selected bandwidth further comprises the step of determining a delay period, if any,
for transmitting the packet and wherein the step of adjusting the transfer rate for data packet
transmission based on the outcome of the determination process further comprises the step of
queuing the data packet for the delay period before transmitting the packet.

9.   (Previously Amended)   The method of Claim 8, wherein the step of
determining a delay period further comprises determining a delay period based upon a byte size
of the data packet.

10.   (Previously Amended)   The method of Claim 8, wherein the step of
determining a delay period further comprises determining a delay period based upon a byte size
and a time lapse of a most recently transmitted data packet that was associated with the
subscriber.

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11. (Previously Amended) The method of Claim 8, wherein the step of queuing the data packet for the delay period before transmitting the packet further comprises queuing the data packet for a maximum delay period of 2 seconds.

12. (Previously Amended) The method of Claim 8, wherein the step of queuing the data packet for the delay period before transmitting the packet further comprises queuing the data packet using a ring buffer.

13. (Original) The method of Claim 8, wherein the subscriber network session is a wireless network session.

14.-27. (Previously Withdrawn)